



FH  
[REDACTED]

**STATE OF WISCONSIN**  
**Division of Hearings and Appeals**

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

**DECISION**  
Case #: BCS - 177454

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**PRELIMINARY RECITALS**

Pursuant to a petition filed on October 20, 2016, under Wis. Stat. § 49.45(5)(a), to review a decision by the Kenosha County Human Service Department regarding Medical Assistance (MA), a hearing was held on November 30, 2016, by telephone.

The issue for determination is whether the agency properly determined the Petitioner's husband is not eligible for BC+.

There appeared at that time the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
[REDACTED]  
[REDACTED]

Respondent:

Department of Health Services  
1 West Wilson Street, Room 651  
Madison, WI 53703

By: [REDACTED]  
Kenosha County Human Service Department  
8600 Sheridan Road  
Kenosha, WI 53143

**ADMINISTRATIVE LAW JUDGE:**

Debra Bursinger  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Kenosha County.
2. On July 8, 2016, the Petitioner completed a renewal for healthcare benefits for herself and her husband. Petitioner's husband receives Medicare benefits.

3. On July 18, 2016 and October 10, 2016, the agency issued Notices of Decision to the Petitioner informing her that her husband GG was not eligible for BC+ benefits.
4. On October 18, 2016, the Petitioner filed an appeal with the Division of Hearings and Appeals.

### **DISCUSSION**

BadgerCare Plus (BC+) is a state/federal program that provides health coverage for Wisconsin families and individuals with certain income levels. To be eligible, individuals must meet non-financial and financial criteria.

The following individuals are non-financially eligible for BC+:

1. Children under 19,
2. Pregnant Women,
3. Parents/caretaker relatives of children under 18 years of age or dependent 18 year olds, including some parents and caretaker relatives whose children have been removed from the home and are in the care of the child welfare system (see Chapter 10 Child Welfare Parents), and
4. Former foster care youth under age 26 who were in out-of-home care when they turned 18, and
5. *Effective April 1, 2014, adults ages 19-64, not receiving Medicare, who do not meet any of the conditions listed above.*

BC+ Handbook, § 2.1 (emphasis added).

At the hearing, the Petitioner and her husband did not dispute that he receives Medicare benefits. Therefore, he is not eligible for BC+ benefits, per the BC+ regulations cited above. The agency properly determined he does not meet non-financial eligibility requirements for BC+ benefits.

### **CONCLUSIONS OF LAW**

The agency properly determined the Petitioner's husband does not meet non-financial eligibility requirements for BC+ benefits.

**THEREFORE, it is**

**ORDERED**

That the Petitioner's appeal is dismissed.

### **REQUEST FOR A REHEARING**

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

### **APPEAL TO COURT**

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, **and** on those identified in this decision as “PARTIES IN INTEREST” **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Milwaukee,  
Wisconsin, this 5th day of January, 2017

\s\_\_\_\_\_  
Debra Bursinger  
Administrative Law Judge  
Division of Hearings and Appeals



**State of Wisconsin\DIVISION OF HEARINGS AND APPEALS**

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The preceding decision was sent to the following parties on January 5, 2017.

Kenosha County Human Service Department  
Division of Health Care Access and Accountability